

Introduced by Senator Kuehl

February 24, 2006

An act to amend Sections 5101, 5107, 10004.5, 10004.6, 10620, 10631, 10642, 10644, 10645, 10656, 10753.7, 10814, 10816, 10840, 10841, 10844, and 12924 of, to add Sections 142, 10826.1, and 10826.2 to, to repeal Sections 10822, 10823, 10824, and 10855 of, and to repeal and add Sections 10657, 10811, 10820, 10821, 10825, 10826, 10845, 10853, and 10854 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1640, as introduced, Kuehl. Water.

(1) Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined.

This bill would require the department, commencing in 2007, and every 2 years thereafter, to prepare and deliver to all State Water Project contractors, all city and county planning departments, and all regional and metropolitan planning departments within the project service area a report that accurately sets forth, under a range of hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor.

(2) Existing law, except as specified, requires each person who, after December 31, 1965, diverts water to file with the state board, before July 1 of the succeeding year, a statement of diversion and use. Existing law excepts diversions that are covered by an application, or a permit or license to appropriate water on file with the state board. Existing law also excepts diversions reported by the department in its hydrologic data bulletins or included in the consumptive use data for

the delta lowlands published by the department in its hydrologic data bulletins. Under existing law, the making of any willful misstatement regarding statements of diversion or use is a misdemeanor and any person who makes a material misstatement under these provisions may be civilly liable. Under existing law, statements filed pursuant to those provisions are for informational purposes only, and, except as specified, neither the failure to file a statement nor any error in the information filed have any legal consequences.

This bill would also exempt diversions covered by a permit or license to appropriate water or a registration of appropriation for small domestic or livestock stockpond uses that are on file with the state board, specified diversions by the department from state water facilities, and certain diversions that occurred before January 1, 2007.

The bill would delete that informational purpose provision and expand the civil liability provision to apply to any person who fails to file a statement for a diversion or use that occurs on or after January 1, 2007. The bill would also make any person who fails to file a statement for a diversion or use that occurs on or after January 1, 2007, ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority.

(3) Under existing law, a plan for the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state is known as the California Water Plan. Existing law requires the department to update the plan on or before December 31, 2003, and every 5 years thereafter. Existing law requires the plan to include a discussion of specified topics.

This bill would require a plan that is due on or after December 31, 2013, to include a discussion of the amount of energy both produced by, and required by, each strategy, during peak and nonpeak use, that may be pursued to meet the future water needs of the state, and would require the department to release certain information regarding the amount of energy both produced by, and required to provide, current and projected water supplies.

(4) Existing law requires every urban water supplier to prepare and adopt an urban water management plan, as prescribed, including a requirement that the urban water supplier coordinate the preparation of the plan with other appropriate agencies, to the extent practicable. Existing law requires an urban water supplier to submit a copy of its plan to the department, the California State Library, and any city or

county within which the supplier provides water supplies, and to make the plan available for public review during normal business hours.

This bill would include public utilities that provide electric or gas service among those coordinating agencies. The bill would require a plan to quantify the amount of energy both produced and required by certain existing and planned water sources and, with regard to a cost-benefit analysis for water demand management measures, to include energy costs and benefits of conserved water during periods of peak and nonpeak use. The bill would revise requirements relating to the provision of public notice with regard to the preparation and adoption of an urban water management plan. The bill would require an urban water supplier to submit a copy of its plan to additional entities, and to make the plan available for public review on its Internet Web site.

(5) Under existing law, if an urban water supplier fails to prepare, adopt, and submit an urban water management plan, it is ineligible for certain bond funds and drought assistance until it does so. Existing law, until January 1, 2006, also requires the department to take into consideration whether a plan has been submitted in determining eligibility for other program funds.

This bill would delete those provisions, and would, instead, make an urban water supplier that fails to prepare, adopt, and submit an urban water management plan ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority until it does so.

(6) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan pursuant to certain provisions of law. Existing law requires a groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill, except as specified, would require a local agency to update the plan on or before December 31, 2008, and every 5 years thereafter. The bill would require a local agency to submit a copy of its plan to specified entities not later than 30 days after the date of its adoption.

This bill would also express the Legislature's intent that all groundwater basins and subbasins be locally managed pursuant to a locally developed groundwater management plan. The Legislature

would further declare that for those basins not being locally managed, voluntary cooperative groundwater monitoring associations be allowed to form to regularly and systematically monitor depth to groundwater. Where voluntary cooperative groundwater monitoring associations are not formed, the bill would declare the intent of the Legislature that Department of Water Resources monitor depth to groundwater and assess fees, as specified.

(7) Existing law relating to agricultural water management planning, until January 1, 1993, and thereafter only as specified, provides for the preparation and adoption of water management plans. That existing law defines “agricultural water supplier” or “supplier” to mean a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes.

This bill would substantially revise existing law relating to agricultural water management planning to require every agricultural water supplier to prepare and adopt an agricultural water management plan, as prescribed, on or before December 31, 2010. The bill would delete the definition of “agricultural water supplier” or “supplier” and would, instead, require the department to conduct a survey of agricultural water agencies to gather data, assess and analyze that data, and recommend the appropriate minimum size of a water agency that should prepare an agricultural water management plan. The bill would require the department to report its findings and recommendations to the Governor and the Legislature before January 1, 2008. The bill would state the intent of the Legislature to respond to the department’s report, and enact legislation defining the term “agricultural water supplier.” The bill would require every person that becomes an agricultural water supplier to adopt an agricultural water management plan within one year after it has become an agricultural water supplier. The bill would require an agricultural water supplier to update the plan, file it, and make it available, as prescribed. The bill would make an agricultural water supplier that fails to prepare, adopt, and submit a plan ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority. The bill would require an agricultural water supplier to make the plan available for public review on the supplier’s Internet Web site, or as otherwise specified in the absence of an Internet Web site.

(8) Existing law requires the department to conduct an investigation of the state's groundwater basins and to report its findings to the Governor and the Legislature not later than January 1, 1980.

This bill, instead, would require the department to submit that report not later than January 1, 2010, and every 5 years thereafter.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that all of the
2 following occur:

3 (a) That all groundwater basins and subbasins be locally
4 managed pursuant to a locally developed groundwater
5 management plan that was developed in an open public process
6 and that the groundwater management plan be made freely and
7 widely available.

8 (b) That all groundwater basins and subbasins be regularly and
9 systematically monitored for depth to groundwater and that the
10 groundwater data be made freely and widely available.

11 (c) That for those groundwater basins and subbasins that are
12 not being locally managed, that voluntary cooperative
13 groundwater monitoring associations be allowed to form to
14 regularly and systematically monitor depth to groundwater and
15 that the groundwater data be made freely and widely available.

16 (d) That for those groundwater basins and subbasins that are
17 not being locally managed and that are not monitored by
18 cooperative groundwater monitoring associations, that the
19 Department of Water Resources be required to regularly and
20 systematically monitor depth to groundwater and to assess a fee
21 to well owners within the department monitored area to recover
22 the costs directly related to the monitoring.

23 SEC. 2. Section 142 is added to the Water Code, to read:

24 142. Commencing in 2007, and every two years thereafter,
25 the department shall prepare and deliver to all State Water
26 Project contractors, all city and county planning departments, and
27 all regional and metropolitan planning departments within the
28 project service area, a report that accurately sets forth, under a
29 range of hydrologic conditions, the then-existing overall delivery
30 capability of the project facilities and the allocation of that

1 capacity to each contractor. The range of hydrologic conditions
2 shall include the historic extended dry cycle and the long-term
3 average. The biennial report shall also disclose, for each of the 10
4 years immediately preceding the report, the total amount of
5 project water delivered and the amount of project water delivered
6 to each contractor. The information presented in each report shall
7 be presented in a manner readily understandable by the public.

8 SEC. 3. Section 5101 of the Water Code is amended to read:

9 5101. Each person who, after December 31, 1965, diverts
10 water shall file with the board, prior to July 1 of the succeeding
11 year, a statement of his *or her* diversion and use; provided,
12 however, that no statement need be filed if the diversion is any of
13 the following:

14 (a) From a spring ~~which~~ *that* does not flow off the property on
15 which it is located.

16 (b) Covered by ~~an application~~, *a permit or license to*
17 *appropriate water, or a registration of appropriation for small*
18 *domestic or livestock stockpond uses*, on file with the board.

19 (c) Included in a notice filed pursuant to Part 5 (commencing
20 with Section 4999) ~~of this division~~.

21 (d) Regulated by a watermaster appointed by the department.

22 (e) ~~Reported by the department in its hydrologic data bulletins.~~

23 (f) ~~Included in the consumptive use data for the delta lowlands~~
24 ~~published by the department in its hydrologic data bulletins.~~

25 (g) ~~Included in annual reports filed with a court or the board~~
26 ~~by a watermaster appointed by a court or pursuant to statute to~~
27 ~~administer a final judgment determining rights to water, which~~
28 ~~reports identify the persons who have diverted water and give the~~
29 ~~general place of use and the quantity of water~~ ~~which~~ *that* has
30 been diverted from each source.

31 (h)

32 (f) For use in compliance with ~~the provisions of~~ Article 2.5
33 (commencing with Section 1226) of Chapter 1 of Part 2 ~~of this~~
34 ~~division~~.

35 (g) *A diversion by the department from state water facilities to*
36 *satisfy prior rights as reported in the department's annual*
37 *bulletin 132, entitled "Management of the California State Water*
38 *Project."*

39 (h) *A diversion that occurs before January 1, 2007, if any of*
40 *the following applies:*

1 (1) *The diversion is covered by an application to appropriate*
2 *water on file with the board.*

3 (2) *The diversion is reported by the department in its*
4 *hydrologic data bulletins.*

5 (3) *The diversion is included in the consumptive use data for*
6 *the delta lowlands published by the department in its hydrologic*
7 *data bulletins.*

8 SEC. 4. Section 5107 of the Water Code is amended to read:

9 5107. (a) The making of any willful misstatement pursuant to
10 this part is a misdemeanor punishable by a fine not exceeding
11 one thousand dollars (\$1,000) or by imprisonment in the county
12 jail for not to exceed six months, or both.

13 (b) Any person who *fails to file a statement required to be*
14 *filed under this part for a diversion or use that occurs on or after*
15 *January 1, 2006, or who makes a material misstatement pursuant*
16 *to this part may be liable civilly as provided in subdivision (c).*
17 *Nothing in this subdivision or in subdivision (c) shall be*
18 *construed to prevent the board from issuing a warning upon a*
19 *first offense.*

20 (c) Civil liability may be administratively imposed by the
21 board pursuant to Section 1055 in an amount not to exceed five
22 hundred dollars (\$500) for each violation. In determining the
23 appropriate amount, the board shall consider all relevant
24 circumstances, including, but not limited to, all of the following
25 factors:

26 (1) *The circumstances that led to the violation.*

27 (2) *The extent of harm caused by the violation.*

28 ~~(2)~~

29 (3) *The nature and persistence of the violation.*

30 ~~(3)~~

31 (4) *The length of time over which the violation occurs.*

32 ~~(4)~~

33 (5) *Any corrective action undertaken by the violator.*

34 (d) All funds recovered pursuant to this section shall be
35 deposited in the Water Rights Fund established pursuant to
36 Section 1550.

37 (e) *Any person who fails to file a statement required to be filed*
38 *under this part for a diversion or use that occurs on or after*
39 *January 1, 2007, is ineligible for funds made available pursuant*

1 *to any program administered by the board, the department, or*
2 *the California Bay-Delta Authority.*

3 SEC. 5. Section 10004.5 of the Water Code is amended to
4 read:

5 10004.5. As part of the requirement of the department to
6 update The California Water Plan pursuant to subdivision (b) of
7 Section 10004, the department shall include in the plan a
8 discussion of ~~various~~ *all of the following*:

9 (a) *Various* strategies, including, but not limited to, those
10 relating to the development of new water storage facilities, water
11 conservation, water recycling, desalination, conjunctive use, and
12 water transfers that may be pursued in order to meet the future
13 water needs of the state. ~~The department shall also include a~~
14 ~~discussion of the~~

15 (b) *For a plan that is due on or after December 31, 2013, the*
16 *amount of energy both produced by, and required by, each*
17 *strategy during periods of both peak and nonpeak use, including*
18 *consideration of the costs and benefits of the energy both*
19 *produced and required by each strategy.*

20 (c) *The* potential for alternative water pricing policies to
21 change current and projected uses. ~~The department shall include~~
22 ~~in the plan a discussion of the~~

23 (d) *The* potential advantages and disadvantages of each
24 strategy and an identification of all federal and state permits,
25 approvals, or entitlements that are anticipated to be required in
26 order to implement the various components of the strategy.

27 SEC. 6. Section 10004.6 of the Water Code is amended to
28 read:

29 10004.6. (a) As part of updating The California Water Plan
30 every five years pursuant to subdivision (b) of Section 10004, the
31 department shall conduct a study to determine the amount of
32 water needed to meet the state's future needs and to recommend
33 programs, policies, and facilities to meet those needs.

34 (b) The department shall consult with the advisory committee
35 established pursuant to subdivision (b) of Section 10004 in
36 carrying out this section.

37 (c) ~~On or before January 1, 2002, and one~~ *One* year prior to
38 issuing each ~~successive~~ update to The California Water Plan, the
39 department shall release a preliminary draft of the assumptions
40 and other estimates upon which the study will be based, to

1 interested persons and entities throughout the state for their
2 review and comments. The department shall provide these
3 persons and entities an opportunity to present written or oral
4 comments on the preliminary draft. The department shall
5 consider these documents when adopting the final assumptions
6 and estimates for the study. For the purpose of carrying out this
7 subdivision, the department shall release, at a minimum,
8 assumptions and other estimates relating to all of the following:

9 (1) Basin hydrology, including annual rainfall, estimated
10 unimpaired stream flow, depletions, and consumptive uses.

11 (2) Groundwater supplies, including estimates of sustainable
12 yield, supplies necessary to recover overdraft basins, and
13 supplies lost due to pollution and other groundwater
14 contaminants.

15 (3) Current and projected land use patterns, including the mix
16 of residential, commercial, industrial, agricultural, and
17 undeveloped lands.

18 (4) Environmental water needs, including regulatory instream
19 flow requirements, nonregulated instream uses, and water needs
20 by wetlands, preserves, refuges, and other managed and
21 unmanaged natural resource lands.

22 (5) Current and projected population.

23 (6) Current and projected water use for all of the following:

24 (A) Interior uses in a single-family dwelling.

25 (B) Exterior uses in a single-family dwelling.

26 (C) All uses in a multifamily dwelling.

27 (D) Commercial uses.

28 (E) Industrial uses.

29 (F) Parks and open spaces.

30 (7) Evapotranspiration rates for major crop types, including
31 estimates of evaporative losses by irrigation practice and the
32 extent to which evaporation reduces transpiration.

33 (8) Current and projected adoption of urban and agricultural
34 conservation practices.

35 (9) Current and projected supplies of water provided by water
36 recycling and reuse.

37 (10) *For a preliminary draft of the assumptions and other*
38 *estimates due on or after December 31, 2012, the amount of*
39 *energy both produced by and required to provide current and*
40 *projected water supplies during periods of both peak and*

1 *nonpeak use, including consideration of the costs and benefits of*
2 *the energy both produced and required by the current and*
3 *projected water supplies.*

4 (d) The department shall include a discussion of the potential
5 for alternative water pricing policies to change current and
6 projected water uses identified pursuant to paragraph (6) of
7 subdivision (c).

8 (e) Nothing in this section requires or prohibits the department
9 from updating any data necessary to update The California Water
10 Plan pursuant to subdivision (b) of Section 10004.

11 SEC. 7. Section 10620 of the Water Code is amended to read:

12 10620. (a) Every urban water supplier shall prepare and
13 adopt an urban water management plan in the manner set forth in
14 Article 3 (commencing with Section 10640).

15 (b) Every person that becomes an urban water supplier shall
16 adopt an urban water management plan within one year after it
17 has become an urban water supplier.

18 (c) An urban water supplier indirectly providing water shall
19 not include planning elements in its water management plan as
20 provided in Article 2 (commencing with Section 10630) that
21 would be applicable to urban water suppliers or public agencies
22 directly providing water, or to their customers, without the
23 consent of those suppliers or public agencies.

24 (d) (1) An urban water supplier may satisfy the requirements
25 of this part by participation in areawide, regional, watershed, or
26 basinwide-urban water management planning where those plans
27 will reduce preparation costs and contribute to the achievement
28 of conservation and efficient water use.

29 (2) Each urban water supplier shall coordinate the preparation
30 of its plan with other appropriate agencies in the area, including
31 other water suppliers that share a common source, water
32 management agencies, ~~and public utilities that provide electric or~~
33 *gas service, and other relevant public agencies*, to the extent
34 practicable.

35 (e) The urban water supplier may prepare the plan with its
36 own staff, by contract, or in cooperation with other governmental
37 agencies.

38 (f) An urban water supplier shall describe in the plan water
39 management tools and options used by that entity that will

1 maximize resources, *improve water supply reliability*, and
2 minimize the need to import water from other regions.

3 SEC. 8. Section 10631 of the Water Code is amended to read:

4 10631. A plan shall be adopted in accordance with this
5 chapter and shall do all of the following:

6 (a) Describe the service area of the supplier, including current
7 and projected population, climate, and other demographic factors
8 affecting the supplier's water management planning. The
9 projected population estimates shall be based upon data from the
10 state, regional, or local service agency population projections
11 within the service area of the urban water supplier and shall be in
12 five-year increments to 20 years or as far as data is available.

13 (b) Identify and quantify, to the extent practicable, the existing
14 and planned sources of water available to the supplier over the
15 same five-year increments described in subdivision (a). If
16 groundwater is identified as an existing or planned source of
17 water available to the supplier, all of the following information
18 shall be included in the plan:

19 (1) A copy of any groundwater management plan adopted by
20 the urban water supplier, including plans adopted pursuant to
21 Part 2.75 (commencing with Section 10750), or any other
22 specific authorization for groundwater management.

23 (2) A description of any groundwater basin or basins from
24 which the urban water supplier pumps groundwater. For those
25 basins for which a court or the board has adjudicated the rights to
26 pump groundwater, a copy of the order or decree adopted by the
27 court or the board and a description of the amount of
28 groundwater the urban water supplier has the legal right to pump
29 under the order or decree. For basins that have not been
30 adjudicated, information as to whether the department has
31 identified the basin or basins as overdrafted or has projected that
32 the basin will become overdrafted if present management
33 conditions continue, in the most current official departmental
34 bulletin that characterizes the condition of the groundwater basin,
35 and a detailed description of the efforts being undertaken by the
36 urban water supplier to eliminate the long-term overdraft
37 condition.

38 (3) A detailed description and analysis of the location, amount,
39 and sufficiency of groundwater pumped by the urban water
40 supplier for the past five years. The description and analysis shall

1 be based on information that is reasonably available, including,
2 but not limited to, historic use records.

3 (4) A detailed description and analysis of the amount and
4 location of groundwater that is projected to be pumped by the
5 urban water supplier. The description and analysis shall be based
6 on information that is reasonably available, including, but not
7 limited to, historic use records.

8 (c) Describe the reliability of the water supply and
9 vulnerability to seasonal or climatic shortage, to the extent
10 practicable, and provide data for each of the following:

11 (1) An average water year.

12 (2) A single dry water year.

13 (3) Multiple dry water years.

14 For any water source that may not be available at a consistent
15 level of use, given specific legal, environmental, water quality, or
16 climatic factors, describe plans to supplement or replace that
17 source with alternative sources or water demand management
18 measures, to the extent practicable.

19 (d) Describe the opportunities for exchanges or transfers of
20 water on a short-term or long-term basis.

21 (e) *Quantify the amount of energy both produced by, and*
22 *required by, each existing and planned water source identified in*
23 *subdivisions (b) and (d) during periods of both peak and nonpeak*
24 *use, including consideration of the costs and benefits of the*
25 *energy both produced by, and required by, each source.*

26 (f) (1) Quantify, to the extent records are available, past and
27 current water use, over the same five-year increments described
28 in subdivision (a), and projected water use, identifying the uses
29 among water use sectors including, but not necessarily limited to,
30 all of the following uses:

31 (A) Single-family residential.

32 (B) Multifamily.

33 (C) Commercial.

34 (D) Industrial.

35 (E) Institutional and governmental.

36 (F) Landscape.

37 (G) Sales to other agencies.

38 (H) Saline water intrusion barriers, groundwater recharge, or
39 conjunctive use, or any combination thereof.

40 (I) Agricultural.

(2) The water use projections shall be in the same five-year increments described in subdivision (a).

~~(f)~~

(g) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:

(A) Water survey programs for single-family residential and multifamily residential customers.

(B) Residential plumbing retrofit.

(C) System water audits, leak detection, and repair.

(D) Metering with commodity rates for all new connections and retrofit of existing connections.

(E) Large landscape conservation programs and incentives.

(F) High-efficiency washing machine rebate programs.

(G) Public information programs.

(H) School education programs.

(I) Conservation programs for commercial, industrial, and institutional accounts.

(J) Wholesale agency programs.

(K) Conservation pricing.

(L) Water conservation coordinator.

(M) Water waste prohibition.

(N) Residential ultra-low-flush toilet replacement programs.

(2) A schedule of implementation for all water demand management measures proposed or described in the plan.

(3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.

(4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the supplier's ability to further reduce demand.

~~(g)~~

(h) An evaluation of each water demand management measure listed in paragraph (1) of subdivision ~~(f)~~ (g) that is not currently being implemented or scheduled for implementation. In the

1 course of the evaluation, first consideration shall be given to
2 water demand management measures, or combination of
3 measures, that offer lower incremental costs than expanded or
4 additional water supplies. This evaluation shall do all of the
5 following:

6 (1) Take into account economic and noneconomic factors,
7 including environmental, social, health, customer impact, and
8 technological factors.

9 (2) Include a cost-benefit analysis, identifying total benefits
10 and total costs, *including, but not limited to, the energy costs and*
11 *benefits of conserved water during periods of peak and nonpeak*
12 *use.*

13 (3) Include a description of funding available to implement
14 any planned water supply project that would provide water at a
15 higher unit cost.

16 (4) Include a description of the water supplier's legal authority
17 to implement the measure and efforts to work with other relevant
18 agencies to ensure the implementation of the measure and to
19 share the cost of implementation.

20 ~~(h)~~

21 (i) Include a description of all water supply projects and water
22 supply programs that may be undertaken by the urban water
23 supplier to meet the total projected water use as established
24 pursuant to subdivision (a) of Section ~~10635~~. *10635, including a*
25 *discussion of supply sources and management programs*
26 *considered but rejected and the extent to which the urban water*
27 *supplier has diversified its sources of supply as a means to*
28 *improve overall reliability.* The urban water supplier shall
29 include a detailed description of expected future projects and
30 programs, other than the demand management programs
31 identified pursuant to paragraph (1) of subdivision ~~(f)~~ (g), that the
32 urban water supplier may implement to increase the amount,
33 *improve the reliability, or improve the quality,* of the water
34 supply available to the urban water supplier in average,
35 single-dry, and multiple-dry water years. The description shall
36 identify specific projects and include a description of the increase
37 ~~in water~~ *the amount of water supply, improvements to water*
38 *quality, if any, and the planned reliability of the supply* that is
39 expected to be available from each project. The description shall

1 include an estimate with regard to the implementation timeline
2 for each project or program.

3 (i)

4 (j) Describe the opportunities for development of desalinated
5 water, including, but not limited to, ocean water, brackish water,
6 and groundwater, as a long-term supply.

7 (j)

8 (k) Urban water suppliers that are members of the California
9 Urban Water Conservation Council and submit annual reports to
10 that council in accordance with the “Memorandum of
11 Understanding Regarding Urban Water Conservation in
12 California,” dated September 1991, may submit the annual
13 reports identifying water demand management measures
14 currently being implemented, or scheduled for implementation,
15 to satisfy the requirements of subdivisions (f) (g) and (h).

16 (k)

17 (l) Urban water suppliers that rely upon a wholesale agency
18 for a source of water; shall provide the wholesale agency with
19 water use projections from that agency for that source of water in
20 five-year increments to 20 years or as far as data is available. The
21 wholesale agency shall provide information to the urban water
22 supplier for inclusion in the urban water supplier’s plan that
23 identifies and quantifies, to the extent practicable, the existing
24 and planned sources of water as required by subdivision (b),
25 available from the wholesale agency to the urban water supplier
26 over the same five-year increments, and during various
27 water-year types in accordance with subdivision (c). An urban
28 water supplier may rely upon water supply information provided
29 by the wholesale agency in fulfilling the plan informational
30 requirements of subdivisions (b) and (c).

31 SEC. 9. Section 10642 of the Water Code is amended to read:

32 10642. (a) Each urban water supplier shall encourage the
33 active involvement of diverse social, cultural, and economic
34 elements of the population within the service area prior to and
35 during the preparation of the plan. ~~Prior to~~

36 ~~Before adopting a the plan, the urban water supplier shall make~~
37 ~~the plan available for public inspection and shall hold a public~~
38 ~~hearing thereon. Prior to the hearing, notice of the time and place~~
39 ~~of hearing shall be published within~~ *do all of the following:*

1 (1) *Publish notice of the availability for review of a proposed*
2 *plan one time in a newspaper of general circulation in the*
3 *jurisdiction of the ~~publicly owned water supplier pursuant to~~*
4 *Section 6066 of the Government Code. The urban water supplier*
5 *shall ~~provide notice of the time and place of hearing to urban~~*
6 *water supplier and by first-class mail to organizations and*
7 *individuals who have previously requested notice in writing. The*
8 *notice shall also set forth the dates of the public review period*
9 *for the proposed plan; the date, time, and place of a scheduled*
10 *public meeting to receive input concerning the contents of the*
11 *plan; and the date, time, and place of a scheduled public hearing*
12 *at which the adoption of the proposed plan will be considered.*

13 (2) *Provide a public review period for the proposed plan of*
14 *not less than 30 days.*

15 (3) *Hold a public meeting during the noticed public review*
16 *period.*

17 (4) *Provide notice of the time and place of the plan adoption*
18 *hearing to the legislative body of any city or county within which*
19 *the supplier provides water supplies. A privately owned water*
20 *supplier shall provide an equivalent notice within its service area.*
21 *After the hearing, the plan shall be adopted as prepared or as*
22 *modified after the hearing.*

23 (b) *Before the adoption of the plan, an urban water supplier*
24 *shall evaluate and respond only to those written comments it*
25 *receives during the noticed public review period. The responses*
26 *shall describe the disposition of each significant issue raised by*
27 *commenters that is properly the subject of the plan. If an urban*
28 *water supplier does not make revisions in response to a comment*
29 *or group of similar comments raising a major issue on which the*
30 *supplier's position is at variance with the recommendations or*
31 *objections raised in the comment, the supplier shall state the*
32 *reasons therefor, or determine that the comment or comments do*
33 *not raise issues that are relevant to the subject of the plan.*
34 *Revisions or responses may be set forth in a separate section of,*
35 *or appendix to, the plan.*

36 (c) *Once a plan has been adopted in accordance with*
37 *subdivision (a), a plan may be amended or changed at any time*
38 *within the five-year update period, if the requirements described*
39 *in subdivision (b) of Section 10621 are met and a public hearing*
40 *is held to consider those amendments or changes.*

SEC. 10. Section 10644 of the Water Code is amended to read:

10644. (a) An urban water supplier shall submit to the department, ~~the California State Library, and any city or county within which the supplier provides water supplies~~ *entities listed in subdivision (b)* a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the *entities listed in subdivision (b) within 30 days after adoption.*

(b) *An urban water supplier shall file a copy of its plan and amendments or changes with each of the following entities:*

(1) *The department, ~~the California State Library, and any city or county.~~*

(2) *Any city or county within which the urban water supplier provides water supplies.*

(3) *Any groundwater management entity within which the urban water supplier extracts or provides water supplies.*

(4) *Any agricultural water supplier within which district the urban water supplier provides water supplies.*

(5) *Any city or county library within which district the urban water supplier provides water supplies.*

(6) *The California State Library.*

(7) *Any local agency formation commission within which county the urban water supplier provides water supplies ~~within 30 days after adoption.~~*

~~(b)~~

(c) The department shall prepare and submit to the Legislature, on or before December 31, in the years ending in six and one, a report summarizing the status of the plans adopted pursuant to this part. The report prepared by the department shall identify the outstanding elements of the individual plans. The department shall provide a copy of the report to each urban water supplier that has submitted its plan to the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

SEC. 11. Section 10645 of the Water Code is amended to read:

10645. Not later than 30 days after ~~filing a copy of adopting its plan with the department,~~ the urban water supplier ~~and the~~

1 department shall make the plan available for public review
2 ~~during normal business hours on the Internet Web site of the~~
3 ~~urban water supplier.~~

4 SEC. 12. Section 10656 of the Water Code is amended to
5 read:

6 10656. An urban water supplier that does not prepare, adopt,
7 and submit its urban water management plan ~~to the department~~ in
8 accordance with this part, is ineligible to receive ~~funding~~
9 ~~pursuant to Division 24 (commencing with Section 78500) or~~
10 ~~Division 26 (commencing with Section 79000), or receive~~
11 ~~drought assistance from the state funds made available pursuant~~
12 ~~to any program administered by the board, the department, or~~
13 ~~the California Bay-Delta Authority~~ until the urban water
14 management plan is submitted pursuant to this article.

15 SEC. 13. Section 10657 of the Water Code is repealed.

16 ~~10657. (a) The department shall take into consideration~~
17 ~~whether the urban water supplier has submitted an updated urban~~
18 ~~water management plan that is consistent with Section 10631, as~~
19 ~~amended by the act that adds this section, in determining whether~~
20 ~~the urban water supplier is eligible for funds made available~~
21 ~~pursuant to any program administered by the department.~~

22 ~~(b) This section shall remain in effect only until January 1,~~
23 ~~2006, and as of that date is repealed, unless a later enacted~~
24 ~~statute, that is enacted before January 1, 2006, deletes or extends~~
25 ~~that date.~~

26 SEC. 14. Section 10657 is added to the Water Code, to read:

27 10657. The amendments to this part enacted at the 2005-06
28 Regular Session of the Legislature shall not apply to those urban
29 water management plans required by this part to be adopted on or
30 before January 1, 2007.

31 SEC. 15. Section 10753.7 of the Water Code is amended to
32 read:

33 10753.7. (a) For the purposes of qualifying as a groundwater
34 management plan under this section, a plan shall contain the
35 components that are set forth in this section. In addition to the
36 requirements of a specific funding program, any local agency
37 seeking state funds administered by the department, *the board, or*
38 *the California Bay-Delta Authority* for the construction of
39 groundwater projects or groundwater quality projects, excluding

1 programs that are funded under Part 2.78 (commencing with
2 Section 10795), shall do all of the following:

3 (1) Prepare and implement a groundwater management plan
4 that includes basin management objectives for the groundwater
5 basin that is subject to the plan. The plan shall include
6 components relating to the monitoring and management of
7 groundwater levels within the groundwater basin, groundwater
8 quality degradation, inelastic land surface subsidence, and
9 changes in surface flow and surface water quality that directly
10 affect groundwater levels or quality or are caused by
11 groundwater pumping in the basin.

12 (2) For the purposes of carrying out paragraph (1), the local
13 agency shall prepare a plan to involve other agencies that enables
14 the local agency to work cooperatively with other public entities
15 whose service area or boundary overlies the groundwater basin.

16 (3) For the purposes of carrying out paragraph (1), the local
17 agency shall prepare a map that details the area of the
18 groundwater basin, as defined in the department's Bulletin No.
19 118, and the area of the local agency, that will be subject to the
20 plan, as well as the boundaries of other local agencies that overlie
21 the basin in which the agency is developing a groundwater
22 management plan.

23 (4) The local agency shall adopt monitoring protocols that are
24 designed to detect changes in groundwater levels, groundwater
25 quality, inelastic surface subsidence for basins for which
26 subsidence has been identified as a potential problem, and flow
27 and quality of surface water that directly affect groundwater
28 levels or quality or are caused by groundwater pumping in the
29 basin. The monitoring protocols shall be designed to generate
30 information that promotes efficient and effective groundwater
31 management.

32 (5) Local agencies that are located in areas outside the
33 groundwater basins delineated on the latest edition of the
34 department's groundwater basin and subbasin map shall prepare
35 groundwater management plans incorporating the components in
36 this subdivision, and shall use geologic and hydrologic principles
37 appropriate to those areas.

38 (6) (A) *The local agency shall update the plan on or before*
39 *December 31, 2008, and every five years thereafter. For the*
40 *purpose of carrying out this subparagraph, the local agency*

1 *shall evaluate the progress made in achieving the adopted basin*
2 *management objectives, identify successes and shortcomings in*
3 *meeting those objectives, revise the basin management objectives*
4 *as appropriate, and develop a plan to achieve the basin*
5 *management objectives as they may or may not be revised. The*
6 *updated plans are due on or before December 31 in years ending*
7 *in three or eight.*

8 *(B) Notwithstanding subparagraph (A), a local agency is not*
9 *required to update a groundwater management plan on or before*
10 *December 31, 2008, if its plan was adopted on or after January*
11 *1, 2004.*

12 (b) (1) (A) A local agency may receive state funds
13 administered by the department for the construction of
14 groundwater projects or for other projects that directly affect
15 groundwater levels or quality if it prepares and implements,
16 participates in, or consents to be subject to, a groundwater
17 management plan, a basinwide management plan, or other
18 integrated regional water management program or plan that
19 meets, or is in the process of meeting, the requirements of
20 subdivision (a). A local agency with an existing groundwater
21 management plan that meets the requirements of subdivision (a),
22 or a local agency that completes an upgrade of its plan to meet
23 the requirements of subdivision (a) within one year of applying
24 for funds, shall be given priority consideration for state funds
25 administered by the department over local agencies that are in the
26 process of developing a groundwater management plan. The
27 department shall withhold funds from the project until the
28 upgrade of the groundwater management plan is complete.

29 (B) Notwithstanding subparagraph (A), a local agency that
30 manages groundwater under any other provision of existing law
31 that meets the requirements of subdivision (a), or that completes
32 an upgrade of its plan to meet the requirements of subdivision (a)
33 within one year of applying for funding, shall be eligible for
34 funding administered by the department. The department shall
35 withhold funds from a project until the upgrade of the
36 groundwater management plan is complete.

37 (C) Notwithstanding subparagraph (A), a local agency that
38 conforms to the requirements of an adjudication of water rights
39 in the groundwater basin is in compliance with subdivision (a).
40 For purposes of this section, an “adjudication” includes an

1 adjudication under Section 2101, an administrative adjudication,
2 and an adjudication in state or federal court.

3 (D) Subparagraphs (A) and (B) do not apply to proposals for
4 funding under Part 2.78 (commencing with Section 10795), or to
5 funds authorized or appropriated prior to September 1, 2002.

6 (2) Upon the adoption of a groundwater management plan in
7 accordance with this part, the local agency shall submit a copy of
8 the plan ~~to the department~~, in an electronic format, if practicable,
9 approved by the department, *not later than 30 days after the date*
10 *of adoption, to the entities identified in paragraph (3). The local*
11 *agency shall submit copies of amendments or changes to the plan*
12 *to the entities identified in paragraph (3) not later than 30 days*
13 *after the date of adoption.* The department shall make available
14 to the public copies of the plan received pursuant to this part.

15 (3) A local agency shall submit a copy of its plan and
16 amendments to each of the following:

17 (A) The department.

18 (B) Any city or county within which the groundwater basin lies
19 in whole or in part.

20 (C) Any urban water supplier that extracts or provides water
21 supplies within the groundwater basin.

22 (D) Any agricultural water supplier that extracts or provides
23 water supplies within the groundwater basin.

24 (E) Any city or county library within which district the
25 groundwater basin lies in whole or in part.

26 (F) The California State Library.

27 (G) Any local agency formation commission within which
28 county the groundwater basin lies in whole or in part.

29 (4) *Not later than 30 days after the date of adopting its plan,*
30 *the local agency shall make the plan available for public review*
31 *on the local agency's Internet Web site.*

32 SEC. 16. Section 10811 of the Water Code is repealed.

33 ~~10811. "Conservation" means the use of cost-effective~~
34 ~~measures that reduce evapotranspiration, evaporation, or flows to~~
35 ~~unusable water bodies in order to prevent the waste, the~~
36 ~~unreasonable use, or the unreasonable method of use of water.~~

37 SEC. 17. Section 10811 is added to the Water Code, to read:

38 10811. "Water conservation" means the use of practices,
39 techniques, and technologies that improve efficiency in the use of
40 water.

1 SEC. 18. Section 10814 of the Water Code is amended to
2 read:

3 10814. “Plan” means an agricultural water management plan
4 prepared pursuant to this part. A plan shall describe and evaluate
5 reasonable and practical efficient uses and *cost-effective*
6 conservation activities. ~~The components of the plan may vary~~
7 ~~according to an area's characteristics and its capabilities to~~
8 ~~conserve and use water efficiently.~~ The plan shall address
9 measures for agricultural water management as set forth in
10 Article 2 (commencing with Section ~~10830~~ 10825) of Chapter 3.
11 In addition, a strategy and time schedule for implementation shall
12 be included in the plan.

13 SEC. 19. Section 10816 of the Water Code is amended to
14 read:

15 ~~10816. “Agricultural water supplier” or “supplier” means a~~
16 ~~supplier, either publicly or privately owned, supplying more than~~
17 ~~50,000 acre-feet of water annually for agricultural purposes. An~~
18 ~~agricultural water supplier includes a supplier or contractor for~~
19 ~~water, regardless of the basis of right, which distributes or sells~~
20 ~~for ultimate resale to customers. (a) The Legislature finds and~~
21 ~~declares that there are insufficient objective data to determine~~
22 ~~the proper size of an agricultural water supplier that should~~
23 ~~prepare an agricultural water management plan pursuant to this~~
24 ~~part. The Legislature further finds and declares that the factors~~
25 ~~that should be considered in making such a determination~~
26 ~~include all of the following:~~

27 (1) *The amount of water delivered by the agency.*

28 (2) *The number of customers of the agency.*

29 (3) *The agency's technical and financial capacity to prepare a*
30 *plan.*

31 (4) *The potential contribution of such a plan to the*
32 *improvement of the local and regional efficiency of agricultural*
33 *water use.*

34 (b) (1) *The department shall conduct a survey of agricultural*
35 *water agencies to gather data, assess and analyze that data, and*
36 *recommend the appropriate minimum size of a water agency that*
37 *should prepare an agricultural water management plan pursuant*
38 *to Section 10820.*

39 (2) *It is the intent of the Legislature that, in finalizing its*
40 *recommendations, the department consult with those agricultural*

1 *water agencies that would meet or narrowly exceed the*
2 *recommended threshold, as well as other interested parties.*

3 *(3) The department shall report its findings and*
4 *recommendations to the Governor and the Legislature before*
5 *January 1, 2008.*

6 *(c) It is the intent of the Legislature to respond to the*
7 *department's report, as provided in subdivision (b), and enact*
8 *legislation defining the term "agricultural water supplier" as*
9 *used in Section 10820.*

10 SEC. 20. Section 10820 of the Water Code is repealed.

11 ~~10820. (a) The requirements of this part shall be satisfied by~~
12 ~~any water management or conservation plan prepared to meet~~
13 ~~federal or state laws or regulations which substantially include~~
14 ~~the contents of a plan required under this part if that plan was~~
15 ~~prepared after January 1, 1981.~~

16 ~~(b) Those suppliers that have prepared, or are preparing, an~~
17 ~~alternate plan as described in subdivision (a) shall submit that~~
18 ~~plan to the department not later than December 31, 1991.~~

19 SEC. 21. Section 10820 is added to the Water Code, to read:

20 10820. (a) An agricultural water supplier shall prepare and
21 adopt an agricultural water management plan in the manner set
22 forth in this chapter on or before December 31, 2010.

23 (b) Every person that becomes an agricultural water supplier
24 shall adopt an agricultural water management plan within one
25 year after the date it has become an agricultural water supplier.

26 (c) An agricultural water supplier indirectly providing water
27 shall not include planning elements in its water management plan
28 as provided in Article 2 (commencing with Section 10825) that
29 would be applicable to agricultural water suppliers or public
30 agencies directly providing water, or to their customers, without
31 the consent of those suppliers or public agencies.

32 (d) (1) An agricultural water supplier may satisfy the
33 requirements of this part by adopting an urban water
34 management plan pursuant to Part 2.6 (commencing with Section
35 10610) or by participation in areawide, regional, watershed, or
36 basinwide water management planning if those plans will reduce
37 preparation costs and contribute to the achievement of
38 conservation and efficient water use.

39 (2) An agricultural water supplier, to the extent practicable,
40 shall coordinate the preparation of its plan with other appropriate

1 agencies in the area, including, but not limited to, other water
2 suppliers that share a common source, water management
3 agencies, and relevant public agencies.

4 (e) An agricultural water supplier may prepare the plan with
5 its own staff, by contract, or in cooperation with other
6 governmental agencies.

7 (f) An agricultural water supplier shall describe in the plan
8 water management tools and options used by that entity that will
9 maximize resources and minimize the need to import water from
10 other regions.

11 SEC. 22. Section 10821 of the Water Code is repealed.

12 ~~10821. (a) Every agricultural water supplier serving water~~
13 ~~directly to customers shall prepare an informational report based~~
14 ~~on information from the last three irrigation seasons on its water~~
15 ~~management and conservation practices in the manner set forth in~~
16 ~~Article 2 (commencing with Section 10825) and shall submit the~~
17 ~~report to the department not later than December 31, 1989.~~

18 ~~(b) The informational report shall include a determination of~~
19 ~~whether the supplier has a significant opportunity to conserve~~
20 ~~water or reduce the quantity of highly saline or toxic drainage~~
21 ~~water through improved irrigation water management in the~~
22 ~~manner set forth in subdivision (g) of Section 10825.~~

23 ~~(c) Suppliers may consult with appropriate state agencies or~~
24 ~~the Agricultural Experiment Station to help determine whether~~
25 ~~significant opportunities exist. State agencies shall cooperate~~
26 ~~with agricultural water suppliers in any reasonable manner.~~

27 ~~(d) Those suppliers that determine that a significant~~
28 ~~opportunity exists to conserve water or reduce the quantity of~~
29 ~~highly saline or toxic drainage water in the manner set forth in~~
30 ~~subdivision (g) of Section 10825 shall prepare and adopt an~~
31 ~~agricultural water management plan based on information from~~
32 ~~the last three irrigation seasons in the manner set forth in Section~~
33 ~~10826 and shall submit the plan to the department not later than~~
34 ~~December 31, 1991.~~

35 SEC. 23. Section 10821 is added to the Water Code, to read:

36 10821. (a) An agricultural water supplier shall update its plan
37 at least once every five years on or before December 31, in years
38 ending in five or zero.

39 (b) An agricultural water supplier required to prepare a plan
40 pursuant to this part shall notify any city or county within which

1 the supplier provides water supplies that the agricultural water
2 supplier will be reviewing the plan and considering amendments
3 or changes to the plan. The agricultural water supplier may
4 consult with, and obtain comments from, any city or county that
5 receives notice pursuant to this subdivision.

6 (c) The amendments to, or changes in, the plan shall be
7 adopted and filed in the manner set forth in Article 3
8 (commencing with Section 10840).

9 SEC. 24. Section 10822 of the Water Code is repealed.

10 ~~10822. Every person that becomes an agricultural water~~
11 ~~supplier after December 31, 1988, shall comply with the~~
12 ~~requirements of this part within two years after becoming an~~
13 ~~agricultural water supplier to an area.~~

14 SEC. 25. Section 10823 of the Water Code is repealed.

15 ~~10823. An agricultural water supplier indirectly providing~~
16 ~~water to customers may adopt an agricultural water management~~
17 ~~plan or participate in areawide, regional, watershed, or basinwide~~
18 ~~agricultural water management planning.~~

19 SEC. 26. Section 10824 of the Water Code is repealed.

20 ~~10824. An agricultural water supplier may satisfy the~~
21 ~~requirements of this part by participation in areawide, regional,~~
22 ~~watershed, or basinwide agricultural water management planning~~
23 ~~where those plans will reduce preparation costs and contribute to~~
24 ~~the achievement of conservation and efficient water use and~~
25 ~~where those plans satisfy the requirements of this part.~~

26 SEC. 27. Section 10825 of the Water Code is repealed.

27 ~~10825. To the extent information is available, the reports~~
28 ~~shall address all of the following:~~

29 (a) ~~The quantity and source of water delivered to, and by, the~~
30 ~~supplier.~~

31 (b) ~~Other sources of water used within the service area, such~~
32 ~~as groundwater and other diversions.~~

33 (c) ~~A general description of the supplier's water delivery~~
34 ~~system and service area, including a map.~~

35 (d) ~~Total irrigated acreage within the service area.~~

36 (e) ~~The amount of acreage of trees and vines grown within the~~
37 ~~service area.~~

38 (f) ~~An identification of all of the following:~~

39 (1) ~~Current water conservation and reclamation practices~~
40 ~~being used.~~

1 ~~(2) Plans for changing current water conservation plans.~~

2 ~~(3) Conservation educational services being used.~~

3 ~~(g) A determination of whether the supplier, through improved~~
4 ~~irrigation water management, has a significant opportunity to do~~
5 ~~one or both of the following:~~

6 ~~(1) Save water by means of reduced evapotranspiration,~~
7 ~~evaporation, or reduction of flows to unusable water bodies that~~
8 ~~fail to serve further beneficial uses.~~

9 ~~(2) Reduce the quantity of highly saline or toxic drainage~~
10 ~~water.~~

11 SEC. 28. Section 10825 is added to the Water Code, to read:

12 10825. It is the intent of the Legislature, in enacting this part,
13 to allow levels of water management planning commensurate
14 with the numbers of customers served and the volume of water
15 supplied.

16 SEC. 29. Section 10826 of the Water Code is repealed.

17 ~~10826. To the extent information is available, the plans shall~~
18 ~~address all of the following:~~

19 ~~(a) The quantity and source of surface water, groundwater, and~~
20 ~~recycled water delivered to and by the supplier.~~

21 ~~(b) A description of all of the following:~~

22 ~~(1) The water delivery system used in the area supplied.~~

23 ~~(2) The beneficial uses of the water supplied, including~~
24 ~~noncrop beneficial uses.~~

25 ~~(3) Conjunctive use programs.~~

26 ~~(4) Incidental and planned groundwater recharge.~~

27 ~~(5) Water recycling programs, including treatment and~~
28 ~~distribution facilities.~~

29 ~~(6) The amounts of the delivered water that are lost to further~~
30 ~~beneficial use to unusable bodies of water or moisture-deficient~~
31 ~~soils through the following:~~

32 ~~(A) Crop evapotranspiration.~~

33 ~~(B) Noncrop evapotranspiration.~~

34 ~~(C) Evaporation from water surfaces.~~

35 ~~(D) Surface flow or percolation.~~

36 ~~(e) An identification of cost-effective and economically~~
37 ~~feasible measures for water conservation and recycling, their~~
38 ~~resulting detriments and benefits, and the impacts on amounts of~~
39 ~~downstream surface water supply and immediately adjacent~~
40 ~~groundwater supply.~~

~~(d) An evaluation of other significant impacts, including impacts within the service area and downstream on fish and wildlife habitat, water quality, energy use, and other factors of either local or statewide concern or interstate concern, where applicable. Alternatives should be designed to minimize impacts on other beneficial users currently being served both within and without the service area and to result in improved overall water management.~~

~~(e) A schedule prepared by the supplier to implement those water management practices that it determines to be cost-effective and economically feasible. Priority shall be given to those water management practices, or combination of practices, that offer lower incremental costs than expanded or additional water supplies.~~

SEC. 30. Section 10826 is added to the Water Code, to read:

10826. A plan shall be adopted in accordance with this chapter and shall do all of the following:

(a) Describe the agricultural water supplier and the service area, including all of the following:

(1) History and size of the service area.
(2) Location of the service area and its water management facilities.

(3) Terrain and soils.
(4) Climate.
(5) Operating rules and regulations.
(6) Water delivery measurements or calculations.
(7) Water rate schedules and billing.
(8) Water shortage allocation policies.

(b) Describe the quantity and quality of water resources of the agricultural water supplier, including all of the following:

(1) Surface water supply.
(2) Groundwater supply.
(3) Other water supplies.
(4) Source water quality monitoring practices.
(5) Water uses within the water supplier's service area, including all of the following:
(A) Agricultural.
(B) Environmental.
(C) Recreational.
(D) Municipal and industrial.

- 1 (E) Groundwater recharge.
- 2 (F) Transfers and exchanges.
- 3 (G) Other water uses.
- 4 (6) Drainage from the water supplier service area.
- 5 (7) Water accounting, including:
- 6 (A) Quantifying the water supplier's water supplies.
- 7 (B) Tabulate water uses.
- 8 (C) Overall water budget.
- 9 (8) Water supply reliability.
- 10 (c) Review previous water management activities.
- 11 (d) Identify efficient water management practices.
- 12 (e) Develop a schedule for program implementation, estimate
- 13 the budget needed for implementation, and identify the results
- 14 expected from full implementation of the agricultural water
- 15 management plan.
- 16 SEC. 31. Section 10826.1 is added to the Water Code, to
- 17 read:
- 18 10826.1. Agricultural water suppliers that are members of the
- 19 Agricultural Water Management Council, and that submit water
- 20 management plans to that council in accordance with the
- 21 "Memorandum of Understanding Regarding Efficient Water
- 22 Management Practices By Agricultural Water Suppliers In
- 23 California," dated January 1, 1999, may submit the water
- 24 management plans identifying water demand management
- 25 measures currently being implemented, or scheduled for
- 26 implementation, to satisfy the requirements of Section 10826.
- 27 SEC. 32. Section 10826.2 is added to the Water Code, to
- 28 read:
- 29 10826.2. (a) Agricultural water suppliers that are required to
- 30 submit water conservation plans to the United States Bureau of
- 31 Reclamation pursuant to either the Central Valley Project
- 32 Improvement Act (P.L. 102-575) or the Reclamation Reform Act
- 33 of 1982, or both, may submit those water conservation plans to
- 34 satisfy the requirements of Section 10826, if both of the
- 35 following apply:
- 36 (1) The agricultural water supplier has adopted and submitted
- 37 the water conservation plan to the United States Bureau of
- 38 Reclamation within the previous four years.
- 39 (2) The United States Bureau of Reclamation has accepted the
- 40 water conservation plan as adequate.

(b) Notwithstanding subdivision (a) of Section 10821, nothing in this part is intended to require agricultural water suppliers that are required to submit water conservation plans to the United States Bureau of Reclamation pursuant to either the Central Valley Project Improvement Act (P.L. 102-575) or the Reclamation Reform Act of 1982, or both, to develop and adopt water conservation plans on a schedule different from that required by the United States Bureau of Reclamation.

SEC. 33. Section 10840 of the Water Code is amended to read:

10840. Every agricultural water supplier ~~required to prepare a water management plan pursuant to subdivision (d) of Section 10821~~ shall prepare its plan pursuant to Article 2 (commencing with Section ~~10826~~ 10825).

SEC. 34. Section 10841 of the Water Code is amended to read:

10841. ~~(a)~~ An agricultural water supplier required to prepare a plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water conservation and reclamation and management methods and techniques.

~~(b) In order to assist agricultural water suppliers in obtaining needed expertise as provided for in subdivision (a), the department, upon request of an agricultural water supplier, shall provide the supplier with a list of persons or agencies having expertise or experience in the development of water management plans.~~

~~(c) The department shall prepare by July 1, 1988, an outline of model informational reports and water management plans which an agricultural water supplier may use in complying with the requirements of this part.~~

SEC. 35. Section 10844 of the Water Code is amended to read:

10844. (a) An agricultural water supplier shall file with the ~~department~~ entities listed in subdivision (b) a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be filed with the ~~department~~ entities listed in subdivision (b) within 30 days after adoption.

1 **(b)** *An agricultural water supplier shall file a copy of its plan*
2 *and amendments or changes to the plan with each of the*
3 *following entities:*

4 **(1)** *The department.*

5 **(2)** *Any city or county, or city and county, within which the*
6 *agricultural water supplier provides water supplies.*

7 **(3)** *Any groundwater management entities within which the*
8 *agricultural water supplier extracts or provides water supplies.*

9 **(4)** *Any urban water supplier within which district the*
10 *agricultural water supplier provides water supplies.*

11 **(5)** *Any city or county library within which district the*
12 *agricultural water supplier provides water supplies.*

13 **(6)** *The California State Library.*

14 **(7)** *Any local agency formation commission within which*
15 *county the agricultural water supplier provides water supplies.*

16 ~~Not later than January 1, 1993, the~~

17 **(c)** *The department shall prepare and submit to the Legislature,*
18 *on or before December 31, in the years ending in six and one, a*
19 *report summarizing the status of the plans adopted pursuant to*
20 *this part. The report prepared by the department shall identify the*
21 *outstanding elements of the individual plans. The report shall*
22 *include an evaluation of the effectiveness of this part in*
23 *promoting efficient agricultural water management practices and*
24 *shall include recommendations relating to proposed changes to*
25 *this part, as appropriate. The department shall provide a copy of*
26 *the report to each agricultural water supplier that has submitted*
27 *its plan to the department. The department shall also prepare*
28 *reports and provide data for any legislative hearings designed to*
29 *consider the effectiveness of plans submitted pursuant to this*
30 *part. Nothing in this subdivision authorizes the department, in*
31 *preparing the report, to approve, disapprove, or critique*
32 *individual plans submitted pursuant to this part.*

33 **SEC. 36.** *Section 10845 of the Water Code is repealed.*

34 ~~10845. The adoption of a plan or submission of a report as~~
35 ~~specified in subdivision (d) of Section 10821 satisfies any~~
36 ~~requirements of state statute, regulation, or order, including those~~
37 ~~of the State Water Resources Control Board, for the preparation~~
38 ~~of water management plans. If the board requires additional~~
39 ~~information concerning water conservation to implement its~~

1 existing authority, nothing in this part limits the board in
2 obtaining that information.

3 SEC. 37. Section 10845 is added to the Water Code, to read:

4 10845. (a) Not later than 30 days after the date of adopting
5 its plan, the agricultural water supplier shall make the plan
6 available for public review on the agricultural water supplier's
7 Internet Web site.

8 (b) An agricultural water supplier that does not have an
9 Internet Web site shall submit to the department, not later than 30
10 days after the date of adopting its plan, a copy of the adopted
11 plan in an electronic format. The department shall make the plan
12 available for public review on the department's Web site.

13 SEC. 38. Section 10853 of the Water Code is repealed.

14 ~~10853. The department, from funds appropriated for this~~
15 ~~purpose, shall reimburse each supplier preparing an~~
16 ~~informational report pursuant to this part for the cost incurred in~~
17 ~~preparing the report up to an amount, not to exceed five thousand~~
18 ~~dollars (\$5,000) per report. The department shall reimburse each~~
19 ~~supplier preparing an agricultural water management plan~~
20 ~~pursuant to this part for the costs incurred by the supplier in~~
21 ~~preparing the plan up to an amount, not to exceed twenty-five~~
22 ~~thousand dollars (\$25,000) per plan.~~

23 SEC. 39. Section 10853 is added to the Water Code, to read:

24 10853. The adoption of a plan as specified in Section 10820
25 satisfies any requirements of state statute, regulation, or order,
26 including those of the board, for the preparation of water
27 management plans. If the board requires additional information
28 concerning water conservation to implement its existing
29 authority, nothing in this part limits that board in obtaining that
30 information.

31 SEC. 40. Section 10854 of the Water Code is repealed.

32 ~~10854. No agricultural water supplier shall be required to~~
33 ~~prepare an agricultural water management plan pursuant to this~~
34 ~~part unless funds are appropriated by the Legislature for the~~
35 ~~1990-91 fiscal year, or before, to reimburse the agricultural~~
36 ~~water supplier for its costs associated with the plans.~~

37 SEC. 41. Section 10854 is added to the Water Code, to read:

38 10854. An agricultural water supplier that does not prepare,
39 adopt, and submit its agricultural water management plan in
40 accordance with this part, is ineligible to receive funds made

1 available pursuant to any program administered by the board, the
2 department, or the California Bay-Delta Authority until the
3 agricultural water management plan is submitted pursuant to this
4 article.

5 SEC. 42. Section 10855 of the Water Code is repealed.

6 ~~10855. This part shall remain operative only until January 1,~~
7 ~~1993, except that, if an agricultural water supplier fails to submit~~
8 ~~its information report or agricultural water management plan~~
9 ~~prior to January 1, 1993, this part shall remain operative with~~
10 ~~respect to that supplier until it has submitted its report or plan, or~~
11 ~~both.~~

12 SEC. 43. Section 12924 of the Water Code is amended to
13 read:

14 12924. (a) The department ~~shall~~, in conjunction with other
15 public agencies, *shall* conduct an investigation of the state's
16 groundwater basins. The department shall identify the state's
17 groundwater basins on the basis of geological and hydrological
18 conditions and consideration of political boundary lines
19 whenever practical. The department shall also investigate
20 existing general patterns of groundwater pumping and
21 groundwater recharge within ~~such~~ basins to the extent necessary
22 to identify basins ~~which~~ *that* are subject to critical conditions of
23 overdraft.

24 (b) The department shall report its findings to the Governor
25 and the Legislature not later than January 1, ~~1980~~ *2010*, and
26 *thereafter in years ending in 5 or 0.*